

REMARKS

The above amendments and following remarks are responsive to the points raised in the April 22, 2004 non-final Office Action. Upon entry of the above amendments, Claims 1, 11, and 21-26 will have been amended. Claims 1-26 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to Objection of the Specification

The Examiner has, in effect, objected to the specification on the bases that (1) the title is not descriptive and (2) Applicants' use of the acronym "STI", on Page 17, Line 8, of the specification, without clarifying its meaning. The Examiner requires Applicants to provide a new title. The Examiner also recommends that Applicants include the text of Page 2, Lines 19 and 20, of the specification, in the Page 17 of the specification.

Applicants have amended both the title and the Page 17 paragraph, i.e., Page 17, Lines 8-10, of the specification, that includes the acronym "STI" to overcome the Examiner's objection to the specification. Accordingly, the objection is now moot and should be withdrawn.

Response to Rejection under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 9, 10, 21, 23, and 25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by published European Patent Application EP 0 860 978 A2 to Fukasaka et al. (Fukasaka). Applicants traverse this rejection and respectfully submit that the applied prior art reference of Fukasaka does not teach or suggest the invention as recited in Claims 1, 2, 4, 9, 10, 21, 23, and 25.

Fukasaka discloses that a predetermined application in a computer is automatically started when a shutter button of a camera is turned on. The camera and the computer of Fukasaka being connected to each other. As disclosed by Fukasaka, the shutter button, a power switch, an AF button, a white balance button, and a zooming button are listed as operating members for starting the predetermined application in the connected computer (Fukasaka, Column 10, Lines 10-19). A TV conference application program, an image editing application program, a TV telephone application program, and an OCR application program are all listed by Fukasaka as the predetermined application (Fukasaka, Column 10, Lines 41-44).

However, in Fukasaka, the disclosed operating members do not correspond to the computer applications on a one by one basis, although various operating members and applications are listed. In other words, Fukasaka does not disclose a specific software program corresponding to a specific operation mode of the image input device, which is selected from a plurality of software programs as recited in independent Claims 1, 21, 23, and 25. As such, the invention as recited in independent Claims 1, 21, 23, and 25 are distinguished over the prior art teaching of Fukasaka. Dependent Claims 2, 4, 9, and 10 are likewise distinguished over the prior art teaching of Fukasaka for at least the same reasons as independent Claim 1. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Response to Rejections under 35 U.S.C. § 103(a)

Claims 7, 8, 11, 12, 14, 17-20, 22, 24, and 26 have been rejected under 35 U.S.C. § 103(a) as being obvious over Fukasaka. Claims 3, 6, 13, and 16 have been rejected under 35 U.S.C. § 103(a) as being obvious over Fukasaka in view of US Patent 5,864,411 to Norris. Claims 5 and 15 have been rejected under 35 U.S.C. § 103(a) as being obvious over Fukasaka in

view of US Patent 6,542,184 B1 to Driscoll, Jr. et al. (Driscoll). Applicants traverse these rejections and respectfully submit that the applied prior art references of Fukasaka, Norris, and Driscoll, either alone or in combination, do not teach, suggest, or otherwise render obvious, the invention as recited in Claims 3, 5-8, 11-20, 22, 24, and 26.

The Examiner, in regard to Claims 7, 8, 11, 12, 14, 17-20, 22, 24, and 26, admits that Fukasaka does not teach each feature of the recited invention. In regard to independent Claim 11, the Examiner states in part, on Page 14, Lines 19-21, of the non-final office Action, that:

“Fukasaka et al. do not disclose a single software program that initiates a plurality of modes corresponding to the plurality of operation modes.”

From here, the Examiner concludes, on Page 15, Lines 1-10, of the non-final office Action, that:

“At the time the invention was made, one with ordinary skill in the art would have been motivated to include a single software program that initiates a plurality of modes corresponding to the plurality of operation modes rather than a plurality of application programs that are initiated according to a plurality of operation modes as a means to reduce the computer-user waiting time since initiating a plurality of programs requires more processing than initiating a single program. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to also include a single software program that initiates a plurality of modes corresponding to the plurality of operation modes rather than a plurality of application programs that are initiated according to a plurality of operation modes.”

The recited method and storage medium of Claims 22, 24, and 26 are consistent with the recited limitations of Claim 11.

As discussed above, Fukasaka discloses that a predetermined application in a computer is automatically started when a shutter button of a camera is turned on. The camera and the computer of Fukasaka being connected to each other. As disclosed by Fukasaka, the shutter button, a power switch, an AF button, a white balance button, and a zooming button are listed as operating members for starting the predetermined application in the connected computer

(Fukasaka, Column 10, Lines 10-19). A TV conference application program, an image editing application program, a TV telephone application program, and an OCR application program are all listed by Fukasaka as the predetermined application (Fukasaka, Column 10, Lines 41-44).

However, in Fukasaka, the disclosed operating members do not correspond to the computer applications on a one by one basis, although various operating members and applications are listed. In other words, Fukasaka does not teach or suggest a single software program having a plurality of modes each of which respectively correspond to a specific operation mode of the image input device as recited in independent Claims 11, 22, 24, and 26. The Examiner has not pointed out any specific teaching or suggestion in Fukasaka that would motivate one of ordinary skill in the art, at the time the invention was made, to have modified Fukasaka as suggested by the Examiner. The Examiner has not established that there is a reasonable expectation that the proposed modification of Fukasaka would be successful. As set forth, in part, in Section 2142 of the Manual of Patent Examining Procedure:

“[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.”

In view of the above, independent Claims 11, 22, 24, and 26 are distinguished over Fukasaka, either alone or as modified by the Examiner. Rejected dependent Claims 7, 8, 12, 14, and 17-20 are also distinguished over Fukasaka, either alone or as modified by the Examiner, for at least the same reasons as their respective independent Claims 1 and 11. Furthermore, Claims 3, 5, 6, 13, 15, and 16 are distinguished over Fukasaka, either alone or as modified by the Examiner, for at least the same reasons as their respective independent Claims 1 and 11.

Dependent Claims 3, 5, 6, 13, 15, and 16, which depend from either one of independent Claims 1 or 11, are distinguished over Fukasaka in view of either Norris or Driscoll, for at least

the same reasons Claims 1 and 11 are distinguished over Fukasaka. Notwithstanding their dependency on Claims 1 and 11, the Examiner, in regard to dependent Claims 3, 5, 6, 13, 15, and 16, admits that:

- (1) "Fukasaka et al. does not disclose an image playback mode, wherein when in the image playback mode; image browsing software is automatically started on said computer, and loads all images in said image input device" (Claims 3 and 13);
- (2) "Fukasaka et al. do not disclose a slideshow playback mode, wherein when in the slideshow playback mode; slideshow playback software is automatically started on said computer, and automatically loads images in said image input device, and automatically displays the loaded images on a screen" (Claims 6 and 16); and
- (3) "Fukasaka et al. do not disclose a panoramic image sensing mode, wherein when in the panoramic image sensing mode; panoramic image sensing generation software is automatically started on said computer, automatically loads images, which are sensed in the panoramic image sensing mode and stored in said image input device, and automatically executes synthesis process of the loaded images" (Claims 5 and 15).

The secondary teaching of Norris is directed to a method and apparatus to assemble photographic images in a photographic album. A review of Norris reveals that Norris provides no specific teaching or suggestion that would have motivated one of ordinary skill in the art to have modified the primary teaching of Fukasaka to arrive at the invention recited in Claims 3, 6, 13, and 16, which also include the limitations of respective base Claims 1 or 11 and their respective intervening Claims 2 and 12. As such, Applicants respectfully submit that Claims 3, 6, 13, and 16 are distinguished over the primary and secondary references of Fukasaka and Norris, either alone or in combination.

The secondary teaching of Driscoll is directed to a camera device for capturing panoramic images and display systems for displaying such panoramic images. A review of Driscoll reveals that Driscoll provides no specific teaching or suggestion that would have motivated one of

ordinary skill in the art to have modified the primary teaching of Fukasaka to arrive at the invention recited in Claims 5 and 15, which also include the limitations of respective base Claims 1 or 11 and their respective intervening Claims 2 and 12. As such, Applicants respectfully submit that Claims 5 and 15 are distinguished over the primary and secondary references of Fukasaka and Driscoll, either alone or in combination.

Response to Objection of the Drawings

The drawings have been objected to on the basis that Figures 2, 4, 6, 8, 9, 10, and 11 include various reference numerals not mentioned in the specification. The Examiner recommends that a description of reference numeral “5”, as depicted in Figure 2, be included in the specification with the description of Figure 2. The Examiner has also requested that Figure 2 be amended to include the designation of “PRIOR ART”.

Applicants have amended both the specification and various drawing figures to overcome the Examiner’s objection to the drawings. Figure 2, drawing sheet 2/11, has been amended to include the legend “PRIOR ART”. Figures 4 and 11, drawings sheets 4/11 and 11/11, have been amended to delete the reference numerals identified by the Examiner as not being mentioned in the description. Accordingly, the objection to the drawings is now moot and should be withdrawn.

CONCLUSION

Applicant respectfully submits that Claims 1-26 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4503, Order No. 1232-4568.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 21, 2004

By: 

Brian W. Brown
Registration No. 47,265
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800 Telephone
(212) 751-6849 Facsimile